

Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping, for breeding and showing purposes, of up to 15 dogs together with the retention of kennel buildings, a storage shed and open and closed runs

**Report Item No
A5**

27 School Lane Newbold Coalville Leicestershire

**Application Reference
14/00509/FUL**

**Applicant:
Mr R And Mrs C Mendel**

**Date Registered
14 May 2014**

**Case Officer:
Sarah Worrall**

**Target Decision Date
9 July 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary

Call In

This is a revised scheme previously considered, and refused, by Planning Committee under application 13/00291/RET following a call in on the grounds of local concern about noise and disturbance. This current application has not been called in but is being reported back to Planning Committee for consideration due to the outcome of the previous application.

Proposal

This is a full application which seeks retrospective permission for the retention of a business use within the curtilage of the existing dwelling, along with buildings which have been erected in relation to the business operation. These buildings comprise a wooden storage shed, an open run containing individual kennels, and a separate kennel block with open runs attached.

As part of the proposal, the applicant is seeking permission for a maximum of 15 breeding/show dogs to be kept at the premises and this number would exclude litters from the breeding/show dogs and their domestic pet dog. There are currently 15 breeding/show dogs at the site.

The dwelling would continue to have its main use as a residential dwelling for the applicant and family. The business would utilise rooms at the existing dwelling during immediate pre-birth, birth, whelping and weaning stages. All viewings by potential purchasers are undertaken within the house.

The key differences between the current application and the previous application which was refused are as follows:

- The number of dogs kept for breeding and/or showing at the site would be maintained at the current level of 15, so an increase in numbers is not sought (permission for 20 dogs was sought in the previous application);
- A condition related to specific breeds of dog is suggested by the applicant and agent, should the application be approved;
- A condition related to a personalised permission is suggested by the applicant and agent, should the application be approved;
- Further information on vehicular movements in relation to current activity has been submitted in order to set out levels of vehicular activity associated with the operation; and,
- A copy of an RSPCA calling card has been submitted as part of the application.

Consultations

Members will note that neighbour representations have been made in relation to the proposal essentially on the grounds of noise, disturbance and highways concerns and Worthington Parish Council supports the previous decision. The full representations made by neighbours are available to view on the working file. Statutory consultees have made observations on the proposal and are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

It has been necessary to post a number of site notices, firstly due to a clerical error which gave the wrong description proposal, and subsequently due to the site notices being defaced. Those making representation on the proposal have been written to ensure they are clear about the proposal for which comments have been sought, and further time has been provided to make

any further comment.

Planning Policy

The application site lies within the Limits to Development of Newbold and would involve the operation of a business from an existing dwelling, along with ancillary buildings within the existing dwelling curtilage. As such, the operation and buildings would be acceptable, in principle, subject to design, amenity and highways considerations.

Conclusion

The site lies within the Limits to Development of Newbold as defined in the North West Leicestershire Local Plan and at the edge of the main built form on School Lane and the principle of the proposal would be acceptable and in accordance with Policy S2 of the Adopted Local Plan and the provisions of the NPPF. The proposed development would have limited visual impact, would not result in undue disturbance to nearby residents, and would be acceptable in highway safety terms all in accordance with development plan policies and the provisions and intentions of the NPPF. It is, therefore, recommended that planning permission be granted.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides a full details of all consultation responses, planning policies, the Officer assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposal and Background

This is a full application which seeks retrospective permission for the retention of a business use within the curtilage of the existing dwelling, along with buildings which have been erected in relation to the business operation. For clarification purposes, the keeping of dogs for breeding and showing at the premises is the nature of the use taking place, and the business element relates to breeding. Some puppies may be kept for future showing and/or breeding as older dogs retire or pass away, but the majority of litters would be sold and that is the business aspect of the proposal. As such, permission is sought for the following elements:

- Using the premises as a residential dwelling, with ancillary keeping of 15 dogs at the rear of the property for showing and breeding, and visitor parking to the front of the dwelling;
- Retention of an open run constructed from galvanised steel mesh (some 5m wide x 5m long x 2m high) including partitions with individual wooden kennels, and proposed roofing of this structure should the application be approved;
- Retention of a wooden shed for storage purposes (some 3m wide x 3.5m long x 2.3m high);
- Retention of a kennel block comprising 4 kennels with storage, a covered mesh run section, and an uncovered mesh run section. This block is set on a base some 8.4m wide x 9.2m long, with the mesh sections covering an area within this of some 4m wide x 6.5m long, with a height of some 1.9m. The adjoining timber kennel and store section is some 4.2m wide x 8.1m long and has a monopitch roof which is some 2.5m at the ridge height which adjoins the mesh run sections, and drops to some 1.9m in height at eaves level at the rear of the building; and,
- Retention of close board timber fencing (1.8m) to separate the business operation from the remaining garden area associated with the dwelling.

As part of the proposal, the applicant is seeking permission for a maximum of 15 breeding/show dogs to be kept at the premises and this number would exclude litters from the breeding dogs, and would also exclude their domestic pet dog. There are currently 15 breeding dogs at the site.

The dwelling would continue to have its main use as a residential dwelling for the applicant and family. The business would utilise rooms at the existing dwelling during immediate pre-birth, birth, whelping and weaning stages. At the weaning stage, puppies can leave the premises at 8 weeks. All viewings by potential purchasers are undertaken within the house.

The property is the southernmost dwelling on this section of School Lane and its boundary forms part of the Limits to Development of Newbold. The site slopes down to the east and south. A public footpath runs along the southern boundary of the application site, linking School Lane to the fields to the east of Newbold.

The key differences between the current application and the previous application which was refused are as follows:

- The number of dogs kept for breeding and/or showing at the site would be maintained at the current level of 15, so an increase in numbers is not sought (the previous application sought permission for up to 20 dogs);
- A condition related to specific breeds of dog is suggested by the applicant and agent,

- should the application be approved;
- A condition related to a personalised permission is suggested by the applicant and agent, should the application be approved;
- Further information on vehicular movements in relation to current activity has been submitted in order to set out levels of vehicular activity associated with the operation; and,
- A copy of an RSPCA calling card has been submitted as part of the application.

Planning History

13/00291 - Proposed change of use of dwellinghouse to a mixed use, to a dwellinghouse and for the keeping and breeding of up to 20 dogs together with the retention of kennel buildings, a storage shed and open and closed runs - refused on the following grounds:

Policy E3 of the North West Leicestershire Local Plan seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings. By virtue of the odour generated by the number of breeding dogs at the site, the unlawful use taking place at present, and the increased level of operation proposed, results, and would result, in an adverse impact on the residential amenities of existing nearby dwellings. In addition, at such close quarters, the increased pedestrian and vehicular activity as a result of the business operation, including comings and goings up and down the garden area, shutting of car doors and vehicles manoeuvring within the application site, causes undue disturbance to the occupiers of nearby dwellings to the detriment of their residential amenities. As such, the development is contrary to the requirements of Policy E3 of the Adopted North West Leicestershire Local Plan which states that development which, by reason of its proximity and smell, amongst others, would be significantly detrimental to the amenities enjoyed by the occupiers of existing nearby dwellings will not be permitted.

09/01106/FUL - Erection of two storey side extension and single storey side and rear extension - permitted

This retrospective application has been submitted as a result of an enforcement enquiry.

2. Publicity

6 no neighbours have been notified.(Date of last notification 18 June 2014)

Site Notice displayed 18 June 2014 and 23 June 2014

3. Consultations

Clerk To Worthington Parish Council consulted 2 June 2014

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Head of Environmental Protection consulted 4 June 2014

Christine James/ Matt Savage consulted 4 June 2014

County Highway Authority consulted

4. Summary of Representations Received

Worthington Parish Council - continues to support the views of the Planning Committee (in terms of the previous application). The revision does not consider the points of Policy E3;

LCC (Highways) - No objection subject to conditions;

Head of Environmental Protection - No objections to the proposal, and can confirm that no noise or odour complaints have been lodged.

Six neighbour representations have been received, and the comments can be summarised as follows:

- The retrospective application shows the disregard of the planning process;
- I live directly behind the site and hear dogs at the property now;
- The property has neighbours on all sides including a primary school opposite;
- I believe the intention is to breed dogs for sale and additional cars visiting would cause a highway safety issue as the road is narrow and there is a school opposite. Visitors to the site tend to park on the road already so this will only become more problematic;
- Odour and noise from the site is intermittent. However, over the previous year, especially in hot weather, there have been issues with odour;
- There is smell and noise especially in hot weather. When I am outside the smell from dogs at times has been unpleasant and the barking irritating. Visitors comment on the smell and noise;
- Since the first application the issues (odour and noise) have marginally reduced but there is concern about the potential for it to get worse;
- We are concerned about the noise which may be generated from the keeping of 15 dogs;
- We (No.23 School Lane residents) have kept a log of dates up to 1 June 2014 on which odour and noise have been an issue;
- We have concerns about how the dog waste is being dealt with;
- The previous application was presented as a business proposal. If the dogs breed will the new borns be sold? If they are sold, at what point does that constitute business?;
- A operation is not suitable for a quiet residential area;
- There should be strict controls on how the business is run within a quiet, domestic and close knit village community;
- The number of kennels should be limited and no other buildings related to this business can be added now or in the future;
- A maximum limit of the total number of dogs permitted at the property should be set, including puppies, otherwise the it will be a large business at a domestic dwelling and the noise would become a bigger issue;
- The breeds permitted at the premises should be limited to beagles and pugs only now and in the future - if other breeds were introduced this would only add to potential noise disturbance and there may be a larger, noisier and smellier breed of dog;
- The Council has passed an application for the breeding of dogs within a half mile radius of this location (Griffydam) and if this application is passed and the noise from barking dogs becomes and issue we will expect the Council to support local residents and investigate the Noise Abatement process.

5. Relevant Planning Policy

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Section 3 of the NPPF refers to supporting a prosperous rural economy and advocates that sustainable growth and expansion of all types of business and enterprise in rural areas should be supported in principle.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Adopted Local Plan

Policy S2 sets out that development will be permitted within Limits to Development, subject to material considerations.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 requires new development to respect the character of its surroundings.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows.

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle of Development

The application site lies within the Limits to Development of Newbold and would involve the operation of a business from an existing dwelling, along with ancillary buildings within the existing dwelling curtilage. As such, and as per the previous proposal, the operation and buildings would be acceptable, in principle, subject to design, amenity and highways

considerations.

Initial advice to the applicants was in relation to curtilage structures rather than the keeping of dogs for breeding/showing. This confusion between parties accounts for the structures being erected in the garden. The fact that they are being used in association with the keeping of dogs, which are used for breeding for sale purposes, means that they require permission in association with the use taking place. As such, notwithstanding representations received in relation to the proposal, there has been no 'deliberate disregard' for the planning process by the applicant in relation to the operation taking place at the site.

Design Issues

As set out in the previous application report, the kennel and store buildings and mesh runs were erected in 2013, along with close boarded fencing with gravel boards. As such, the visual impact of the development can be clearly assessed and Members will be aware of the layout from the site visit made in relation to the previous application. The 1.8m timber fencing separates the kennels compound from the lawn area of the residential dwelling, and also from a separate grassed area adjacent to the boundary with No.25 School Lane which is used for housing the applicant's pet dog when there are visitors to the site.

The kennel and store buildings and mesh runs are of proportions not dissimilar to domestic curtilage buildings, and are not incongruous in their setting. The kennel compound area is also at the end of the garden associated with No.27 which is set at a lower level to that dwelling, and the adjacent dwelling at No.25 School Lane and dwellings north of that. Furthermore, the tops of the structures can be seen from the public footpath which adjoins the southern boundary of the curtilage of No.27 School Lane, but are not obtrusive and have no adverse impact on the visual amenities of the area.

On this basis the existing buildings and structures within the kennel compound area are in scale and character with their surroundings and in accordance with the requirements of Policy E4 of the Adopted Local Plan.

Residential Amenity Issues

The application site is located at the southern end of a row of dwellings on the eastern side of School Lane. School Lane slopes down to the south so the site is set at a lower ground level to other dwellings and their gardens on this side of School Lane. Agricultural land lies to the east of the site and sporadic development to the south. A woodland area is situated on the opposite side of the site on School Lane, and the Primary School is situated to the north west of the application site on School Lane.

Following on from the design issues set out above, the existing buildings and structures have no overbearing impact on neighbouring properties as a result of their scale, form and layout, and cause no overshadowing or overlooking of adjacent properties in accordance with the requirements of Policy E3.

Security lighting has been installed at the premises within the kennel compound. Should the application be approved, it is recommended that a condition be imposed regarding details of lighting to be submitted and agreed in writing. This would enable the applicant and the District Council to discuss a way forward with a lighting scheme which would provide minimum light spillage whilst maintaining sufficient security for the premises in accordance with the requirements of Policy E3 of the Adopted Local Plan.

The concerns regarding odour from the site are also noted, as is the information submitted as part of the application. The application information submits that a cleaning regime is in place at the business, and all dog waste is double-bagged and removed from the site by a waste disposal company every two weeks in autumn and winter and weekly in spring and summer which is an acceptable procedure in terms of Environmental Protection. It was evident during the officer and Planning Committee site visits that the site was clean and tidy. The business also employs a part-time kennel hand to assist with cleaning and feeding duties, and the kennels are cleaned daily. Welfare standards and health and hygiene are dealt with under separate legislation to planning. However, based on the experience of the nature of the operation obtained during the officer site visit, and from information submitted with the application, whilst there may be some odour from the immediate kennels particularly in summer it would not be of such significance to warrant refusal of the application.

In addition, the agent submits that the proposal has to be taken in the context of the site's rural location in terms of odour since there are farm animals on land to the south of the application site and the adjacent agricultural fields are fertilised with animal excrement, and the site lies at the edge of the main built form of the village with residential development adjoining one boundary, to the north, only.

Since the previous application determination, the applicant and family have experienced various unpleasant and upsetting incidents which the Police are looking into. The applicant and agent advise in the application that one of these incidents relates to an unscheduled RSPCA Inspector's visit who called on the grounds that there had been a complaint in respect of the welfare of the dogs at the premises. The Inspector left a calling card on 6 May 2014 which has been submitted as part of the application and confirms that there is not cause for concern and that the kennels were "clean and not smelly", and that dogs did not bark during her visit.

Objections have been received in respect of the application on the basis of noise disturbance from barking dogs. At present, the applicant has 15 breeding dogs at the site comprising 9 female beagles, 3 female pugs, 2 male beagles and 1 male pug. The applicant also has a family pet dog which is not used for breeding. The application submission states that no boarding of dogs takes place at the premises. The application submission advises that there is not a rapid turnover of dogs and due to the dogs being familiar with each other as they are kept within the kennel compound, other than during play and walk time, the incidence of barking and/or aggression is significantly less compared to a boarding kennel situation. The dogs are walked twice a week on local footpaths and play in the garden area of No.27 in groups of up to 6 dogs with supervision from the applicant or staff. It is expected that there may be more noise at certain times of the day, such as at feeding time but these occurrences would be intermittent and not constant.

Since the last application was refused, the case officer received calls from local residents in relation to what would happen next and requesting advice on noise. They were advised to contact the Environmental Protection team to discuss further, and that a log book recording incidents of noise and or odour would most likely be required to be made. The Environmental Protection team confirms (at 22 July 2014) that it has received no complaints about the site and is not aware that any enquiries have been made in relation to keeping logs about the operation.

Notwithstanding this, it is noted that a neighbour has submitted a log, dated from 13 March 2014 to 1 June 2014, as part of their representation which lists dates on which odour and/or noise were an issue. The log sets out 17 dates within that timescale for which odour was an issue, and 41 dates within that timescale when noise was an issue. However, the lists only include the

date and do not log the time that the issue started, its duration, and the exact nature of the issue so it is not known whether one dog was perhaps barking for 5 minutes on that day or whether all 15 dogs were barking for three hours, or whether there was an odour first thing in the morning prior to kennels being cleaned, for example. As such, the log does not form part of any investigation being undertaken by Environmental Protection, since no complaint has been made, and therefore has limited weight in respect of the planning considerations at this time.

With regard to noise mitigation measures, the kennels have external wooden boarding and interior plywood sheeting with polystyrene infill which provides good sound and heat insulation and the kennel compound is enclosed on 3 sides by 2m high fencing which helps contain some noise. It is proposed to roof the open mesh structure containing kennels to provide additional shelter for the dogs and assist with reducing any noise impact and it is recommended that a condition relating to materials details of this be attached to a permission should the application be approved. In addition, the kennel compound is situated at the lowest point of the curtilage of No.27 School Lane and the buildings have been set out in a way which allows them to be screened from No.25 by close board fencing and face away from the dwellings on School Lane. There is a distance separation of some 75m between the application site and Railway Cottage to the south east of the site.

For clarification purposes the number of **breeding** dogs at the site would be 15 in number. This figure would not include litters, which would be kept in the house until sold, or any house based domestic pet dog belonging to the applicant. The keeping of the litters are set out in more detail below. In order to consider the potential impact of the likely situation at the premises, in terms of the nature of the use, further information was sought from the applicant on the breeding process as part of the previous application and this remains the same for the current application.

The applicant has a breeder's licence which allows for the breeding of more than 5 litters every year. At present 7 litters are produced each year - 6 from beagles and 1 from the pugs - and each litter has an average of 6 pups which are advertised for sale and can leave the premises after the 8 week weaning period.

The gestation period of a dog is 63 days and the pregnant female remains in the kennels until 5 days prior to birth when she is moved to a room in the dwelling to prepare and be monitored. Birthing will take place within the dwelling and the pups are transferred to a whelping pen in another room of the dwelling until some 5-6 weeks of age. After that they would be moved to a larger pen within the dwelling for weaning, and removal from the premises by new owners around 8 weeks of age. The applicant advises that they normally have one litter at a time but if they were to overlap slightly they would be in the main dwelling in any case. As such, any noise from litters of pups and mothers would be contained within the dwelling.

It is noted that a resident has requested that no further buildings should be allowed at the site now or in the future. Whilst the comments are noted such a condition would not be reasonable and would not meet the criteria for conditions as set out in the planning Circular 11/95. Any future application relating to the dwelling or business operation would have to be considered on its own merits at that time. In terms of the current proposal, the size of the dwelling and the kennel compound essentially limits the extent of the business operations that can take place at the site in planning terms. It should also be noted that it would not be possible to limit dog breed or size by condition either by virtue of the requirements of Circular 11/95. However, it would be possible to personalise a permission should Members consider this to be a way forward with the proposal.

During the officer site visit for the 2013 application, and at the Planning Committee site visit on 11 March 2014, the inside of the smaller wooden shed outside the kennel compound within the main garden area of No.27 was viewed and was being used for storage of dog baskets, and domestic storage items. If the shed was to be used for housing breeding dogs permanently a separate application would be required to be made.

It is appreciated that the dog breeding business would cause some intermittent noise as a result of barking by the dogs but, on balance, the proposed number of breeding dogs would be unlikely to lead to such significant noise that would adversely impact on the residential amenities of neighbouring properties to such an extent that would warrant refusal of the application under Policy E3 of the Adopted Local Plan.

A further aspect to consider in relation to impact on residential amenities would be the comings and goings to and from the site as a result of the business, and the impact of these on neighbouring properties. The agent has set out average visitor numbers in relation to projected litters numbers and sizes over a 3 month timeframe, and also weekly vehicle movements, within the supporting documents. The number of visitors to the site would not be significantly over and above those which could be expected with typical comings and goings to and from a residential dwelling. Since the pups and mother would be kept within the dwelling during birth, whelping and weaning visitors to view the pups would stay in the house and would not necessarily have to go out into the rear garden area to the kennel compound. As such, there would be no adverse impact on residential amenities as a result of comings and goings to and from the site.

Due to the concern on this issue raised by Members when the previous application was considered the agent has submitted further information addressing this particular issue. The agent has submitted information relating to the number of domestic vehicle movements per week (VMW) at the premises including a relative's carers (125 VMW), the applicants (56 VMW), and friends and family visiting (10 VMW). Further to this, the following information is taken from the supporting statement:

This gives a 'domestic' total of at least 191 VMW. ... The business generates some 17 customer visits per quarter (which is 34 vehicle movements). Reduced to a corresponding weekly rate of 3 VMW this amounts to some 1.5% of the overall total weekly 'activity'.

The agent submits that this does not constitute a significant increase in traffic, manoeuvring and movement as to cause undue disturbance to neighbours. The agent also submits that it is recognised that, at some future point, the carers will no longer be required so the 125 VMW they generate would cease. It is also put forward that when removing those vehicular movements from the overall VMW total, it is apparent that the business related VMW would only rise to some 4.3% of total vehicular activity on the site itself and could not be considered significantly detrimental in terms of Policy E3 of the Adopted Local Plan.

The District Council's Environmental Protection team has been consulted on the proposals, and has no objections to the proposal. It has also confirmed that no complaints in relation to the business operations have been received since operations began in January 2013.

The reference to the dog breeding business at Griffydham is noted, and it is also noted that the scheme was allowed on appeal by the Planning Inspectorate.

Highway Safety

The site is currently served by a vehicular access and drive onto School Lane. This access,

drive and turning space at the front of the property would be used in relation to the dwelling and the business. Due to the likely numbers of business visitors expected at the premises, the existing facilities would be adequate for the residential and business uses. The Highway Authority has no objection to the proposal subject to conditions.

Summary

The site lies within the Limits to Development of Newbold as defined in the North West Leicestershire Local Plan and at the edge of the main built form on School Lane and the principle of the proposal would be acceptable and in accordance with Policy S2 of the Adopted Local Plan and the provisions of the NPPF. The proposed development would have limited visual impact, would not result in undue disturbance to nearby residents, and would be acceptable in highway safety terms all in accordance with development plan policies and the provisions and intentions of the NPPF. It is, therefore, recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site location plan (TWR/M2/P1); and,
 - Block plan (TWR/M2/P2)

Reason - To determine the scope of this permission.

- 2 Notwithstanding the submitted details, nor Condition 1 above, details of external lighting at the kennel compound and the roof for the separate galvanised steel mesh open run shall be submitted to and agreed in writing by the Local Planning Authority within 56 days from the date of this permission and shall be implemented and maintained as such.

Reason - To preserve the amenities of the locality.

- 3 The maximum number of breeding dogs accommodated on the site shall not exceed 15 at any one time.

Reason - To determine the scope of this permission, in the interests of highway safety, and to preserve the amenities of the locality.

- 4 The maximum number of litters produced on the site shall not exceed 10 in any one year.

Reason - To determine the scope of this permission, in the interests of highway safety, and to preserve the amenities of the locality.

- 5 No dogs other than those belonging to the occupiers of the dwelling shall be accommodated on site.

Reason - To determine the scope of this permission, and in the interests of highway safety and residential amenity.

- 6 The use of the site for dog breeding shall not be carried on at any time other than by

occupiers of the dwelling.

Reason - To define the scope of this permission, to ensure the business remains ancillary to the main dwelling and is not separated as an individual planning unit in the interests of the amenities of occupiers of the dwelling, and in the interests of highway safety.

- 7 The car parking and turning facilities shown on the submitted plan shall be provided before first use of the development hereby permitted and shall thereafter permanently remain available for car parking and turning.

Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 8 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with School Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason- To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 9 Before first use of the development hereby permitted, the access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reason- To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 3 A public footpath is adjacent to the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 4 The maximum number of breeding dogs at the site excludes any family pet dog(s) and litters of pups.